UPPER SUSQUEHANNA COALITION (USC)

Chesapeake Bay Program TMDL Allocations in NY

USC MISSION:

bwThe mission of the Coalition is to protect and improve water quality and natural resources in the Upper Susquehanna River Basin with the involvement of citizens and agencies through planning, education, coordination, funding, project implementation and advocating for our water resources.

TMDL DEFINED:

Utilizing a complex computer model, the Environmental Protection Agency (EPA) through the Chesapeake Bay Program (CBP) developed a total annual loading for nitrogen (N), phosphorus (P) and sediment, by state, that it considers to be the maximum quantities that the Bay can receive and meet water quality standards. This is called Total Maximum Daily Load or "TMDL". It is like a pollution diet for the Bay. See Table 1 below for a summary of current predicted loads and future TMDL load allocations for New York (NY).

Table 1. NY delivery loads based on model predictions

Nitrogen Delivered to Bay (lbs/year)	Phosphorus Delivered to Bay (lbs/year)	Sediment Delivered to Bay (lbs/year)	Year
10,531,401	799,272	326,503,712	2009 (Current)
9,150,560	631,709	323,801,485	2017 Allocation (60% of Goal)
8,230,000	520,000	322,000,000	2025 Allocation (Goal)
7, 820,000	490,000	293,000,000	Additional Reserve Allocation (Goal)

The EPA mandated TMDL allocation and the determination of whether the state meets the requirements are solely based on the Bay Watershed Model and not on real water quality data. The Bay Watershed Model has never been tested for its accuracy.

NYs ALLOCATION:

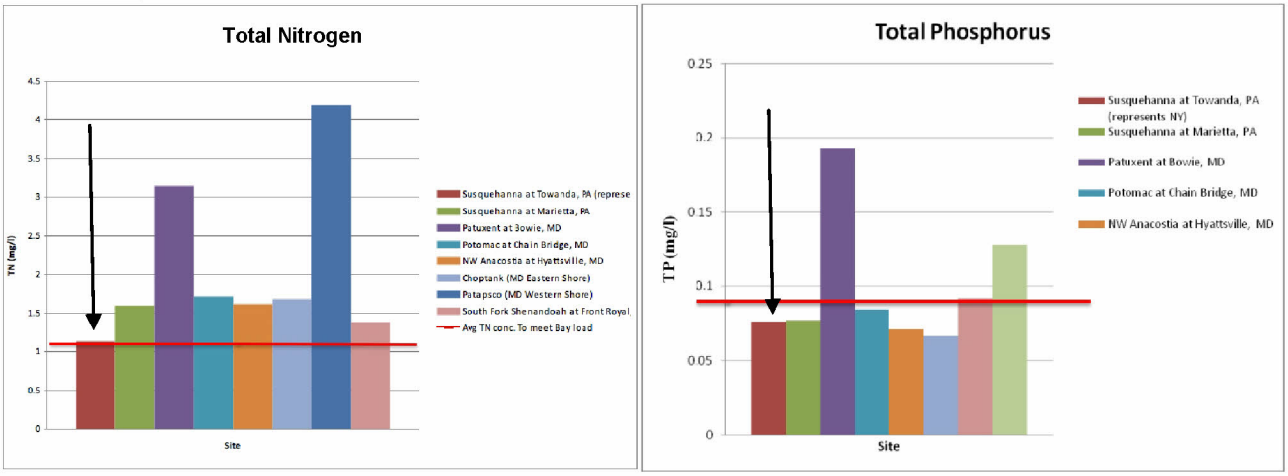

Figure 1 and 2. Measurements of average Total N and Total P concentrations were taken at the United States Geological Survey (USGS)gauging station in Towanda, PA and is represented by the dark red bar in each graph. The red line in the graph represents the average concentration needed to meet water quality standards in the Bay.

The EPA's draft TMDL is inequitable, unattainable, and threatens to be punitive to NY's economy, residents, and communities without markedly improving water quality for the Chesapeake Bay. Proposed mandates are in spite of the fact that NYS water is cleaner than any of the other Bay jurisdictions in the watershed. The above graph developed with USGS data shows that the N and P concentrations in NY's water (arrow above dark red bar) are below the water quality level needed for a clean Bay. If other states met this level of performance, there would be no need for a TMDL. Furthermore, EPA's proposed TMDL regulation imposes disproportionately heavier restrictions for water quality in NY in order to help other states meet their overall TMDL goal. Even if the other states achieve their EPA mandated allocations by 2025, their water would still contain more N and P (per unit volume) than NY has at the present. NY water has a very low nutrient content because the watershed is largely forested (70%), has a decreasing population, practices low intensity agriculture with a large land base, and implements progressive natural resource management programs.

IMPACTS TO USC COUNTIES:

The Department of Environmental Conservation (DEC) in partnership with the USC, Ag and Markets, the Natural Resources Conservation Service (NRCS), and other collaborators developed a reasonable plan for best management practices (BMP) implementation that considers current and future budget limitations for NY. The NY draft Watershed Implementation Plan (WIP) is based on approximately $200M of technical and financial support that could be available for agricultural BMPs through 2025.

In contrast, the cost to implement EPA's backstops for reasonable assurance is estimated to be $350M through 2025 for the Agricultural sector alone. When all sectors are considered, EPA mandated practices could reach $6 billion dollars over the next 15 years. The EPA nutrient and sediment allocations and backstop mandates are unattainable and extremely costly with minimal nutrient reduction benefits and minimal impact on water quality in the Bay.

Agriculture is a leading industry in the Chesapeake Bay watershed and is important to the economy of our communities. Many farms will be unable to afford the increased financial burden that accompanies not only the implementation of the EPA mandated BMPs, but the on-going operation and maintenance. Many farms will have no choice but to go out of business. For the sake of water and air quality; landscape management; food, fiber, and energy production; and rural communities and economies, this is an experiment that NY can afford to take.

USC PROMOTES WATER QUALITY CONSERVATION:

To continue to promote clean water conservation in the Upper Susquehanna Watershed the USC districts use a multiple barrier approach to address nonpoint source issues. This approach addresses water quality issues at the source, across the landscape, focusing on the stream corridor, and is promoted programmatically through research, outreach and training.

The USC integrates 3 major focus areas: Wetlands, Streams and Agriculture.

Under the Umbrella of the Agricultural Team, which includes partners from NRCS, DEC, Ag and Markets, and major universities, the SWCDs promote several programs that include:

- Voluntary incentives through the Agricultural Environmental Management Program (AEM)
- Regulation through permitting of Concentrated Animal Feeding Operations (CAFO)
- Funding for implementation through the Agricultural Nonpoint Source Abatement & Control Grant Program (AGNP), and USDA Farm Bill Programs
- Support of "wall to wall" buffers through Graze-NY
- Commitment to proper nutrient management through rigorous conservation planner certification process
- Regular training for SWCD and NRCS Employees, and SWCD's Board of Directors
- Environmentally and Agronomically-sound guidelines from the Cornell University

This approach in a watershed with 70 percent forest cover, low intensity agriculture on a sufficient land base, and a decreasing population, leave little room for additional source reductions and place a disproportionately heavy burden on agricultural resources in NY.